

# CITY OF SAN BRUNO

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## STAFF

Tom Williams  
*Community Development Director*  
Aaron Akin, AICP, *Associate Planner*  
Pamela Thompson, *City Attorney*  
Tanya Benedik, *Recording Secretary*

## PLANNING COMMISSIONERS

Perry Petersen, *Chair*  
Joe Sammut, *Vice-Chair*  
Mary Lou Johnson  
Bob Marshall Jr.  
Robert Schindler  
Mark Tobin  
Kevin Chase

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## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING COMMISSION MINUTES

September 21, 2004  
San Bruno Senior Center  
1555 Crystal Springs Blvd.  
7:00 P.M. to 10:00 P.M.

CALL TO ORDER at 7:00 p.m.

### ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Petersen	X	
Vice Chair Sammut	X	
Commissioner Johnson	X	
Commissioner Marshall	X	
Commissioner Schindler	X	
Commissioner Chase	X	
Commissioner Tobin		Resigned

### STAFF PRESENT:

Planning Division: Community Development Director: Tom Williams  
Associate Planner: Aaron Akin  
Community Development Secretary: Tanya Benedik

City Attorney: Kevin Segal

Pledge of Allegiance **Commissioner Johnson**

- Approval of Minutes** Continued to meeting in October 2004
- Communication** CDD Director Williams introduced interim attorney Mr. Segal. Chair Petersen announced Commissioner Tobin's resignation. Also announced that 130 Parkview Drive will be continued to next planning commission meeting.
- Public Comment**

#### 4. 2956 Fleetwood Drive

Request for a parking exception to allow tandem parking, per Section 12.200.080.C of the San Bruno Zoning Ordinance. – John Marsh (Designer/Applicant); Rajem Bader (Owner) **PE-04-05**

Associate Planner Aknin entered staff report. Staff recommends that the Planning Commission approve Parking Exception 04-05 based on Findings of Fact (1-6) and Conditions of Approval (1-13).

Commissioner Johnson asked about the accessory structure in the back. Associate Planner Aknin stated that this was done with permits.

#### Public Hearing Opened

Owner Mr. Bader was present to answer questions. Commissioner Johnson asked Owner Mr. Bader to explain why he is choosing to do a 2-car tandem versus side by side. He replied that they did not have the 20 x 20 that is required. So the only solution was to do a tandem. Associate Planner Aknin explained that there is a staircase that was done with permits, that would have to be removed to do a side-by-side garage, but since they were done legally it would be most feasible to do a parking structure by tandem. Owner at 2960 Fleetwood is concerned that this addition has the possibility of having an in-law unit.

#### Public Hearing Closed

Commissioner Chase asked about condition of approval #8 and the 3-month window that is required. Associate Planner Aknin replied that the reason why he had the requirement of 3 months is because this is approximately how long it usually takes to obtain a permit through the building process.

Applicant provided color palate to commission, but only provided one color. Commissioner Johnson asked to have another condition added to have applicant bring all colors into staff for approval.

**Motion Sammut/Second Schindler** approve Parking Exception 04-05 based on Findings of Fact (1-6) and Conditions of Approval (1-14).

VOTE:	6-0-0
AYES:	6
NOES:	0
ABSTAIN:	0

**(Chair Petersen advised of 10-day appeal period.)**

#### **FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, September 11, 2004, and notices were mailed to property owners within 300 feet of the project site on September 10, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.

3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The strict application of the provisions of this chapter would cause particular difficulty or undue hardship in connection with the use and enjoyment of said property;
6. That the establishment, maintenance and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this chapter as are reasonably possible.

## **CONDITIONS FOR APPROVAL**

### **Community Development (1-9)**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Parking Exception (04-05) shall not be valid for any purpose. Parking Exception 04-05 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings
3. The request for a Use Permit for an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on September 21, 2004, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
7. The tandem garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. If a building permit is not secured within three months, the applicant must secure a building permit to convert the garage area back into useable garage.

9. If the tandem garage is not constructed within one year of building permit issuance, the owner must obtain a building permit to convert the garage area back into a useable garage.

#### **Fire Department (10-11)**

10. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.

11. Hardwire smoke detectors in shall be installed in the addition area.

#### **Public Works Department (12-13)**

12. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.

13. If work is done, or materials are stored in the public right of way, an encroachment permit shall be obtained through the Public works Department prior to issuance of the Building Permit.

#### **Planning Commission (14)**

14. Applicant is to bring complete color palate in to staff for approval.

### **5. 773 Jenevein Avenue**

Request for an architectural review permit to allow architectural changes to an existing building, and a parking exception to allow a small expansion and a general office to medical office conversion, per Chapter 12.108 & 12.100 of the San Bruno Zoning Ordinance – SSS Designs (Applicant/Architect); Toni Ambus, Owner

Associate Planner Akin entered staff report. Staff recommends that the Planning Commission approve Architectural Review Permit 04-08 & Parking Exception 04-07 based on Findings of Fact (1-13) and Conditions of Approval (1-13).

Attorney Segal stated that Commissioner Marshall recused himself from this application as it is within 500 feet of his business.

Commissioner Chase asked about the window material. Associate Planner Akin replied that on the plan the window material is identified. Commissioner Schindler asked if what would be surrounding the windows.

#### **Public Hearing Opened**

Applicant Toni Ambus and brother George Ambus were present to answer questions. Commissioner Schindler asked if a condition could be added that the applicant is to clear with staff the trim that they are going to put around the windows. Commissioner Johnson asked how many people they would have there at all times. Dr. George Ambus stated that they were not going to be there full time, but there will probably be around 3 – 4 people. Commissioner Chase asked about parking for employees and patients. Dr. George Ambus didn't feel that there would be a parking problem, but would ask neighbor (the market) if they could use parking lot. Dr. George Ambus stated that he agreed with the conditions of approval. Commissioner Sammut expressed his concern with the windows in the rear not matching to the windows in the front. Dr. George Ambus felt that because the windows are not as visible, he didn't think it would be an issue. Commissioner Chase also felt that all the windows should be consistent.

**Motion Sammut/Second Schindler** approve Architectural Review Permit 04-08 & Parking Exception 04-07 based on Findings of Fact (1-13) and Conditions of Approval (1-15) #14 that rear windows to be switched out to match new front windows, #15 all signs are to be approved at staff level.

VOTE: 5-0-1  
AYES: 5  
NOES: 0  
ABSTAIN: 1 (Marshall)

**(Chair Petersen advised of 10-day appeal period.)**

**FINDINGS OF FACT**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, September 11, 2004, and notices were mailed to property owners within 300 feet of the project site on September 10, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The intensity of the proposed operation will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern taking into account the proposed use as compared with the general character and intensity of the surrounding area.
6. The accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will not create a hazardous or inconvenient condition to adjacent or surrounding uses.
7. The proposed building alterations as conditioned will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
8. The proposed improvement will not be detrimental to the character or value of an adjacent residential district.
9. The general appearance of the proposed improvements will be in keeping with the character of the neighborhood, will not be detrimental to the adjacent real property and will not impair the desirability of investment in the neighborhood.

10. The proposal is consistent with the San Bruno General Plan, which designates the property for commercial purposes.
11. The proposed parking exception is subject to such conditions as will assure that granting the request will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located.
12. The strict application of the provisions of Chapter 12.100 of the San Bruno Zoning Ordinance would cause particular difficulty or undue hardship in connection with the use and enjoyment of said property.
13. The establishment, maintenance and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in Chapter 12.100 of the San Bruno Zoning Ordinance.

## **CONDITIONS FOR APPROVAL**

### **Community Development (1-6)**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Parking Exception (04-05) & Architectural Review Committee (04-08) shall not be valid for any purpose. Parking Exception (04-07) & Architectural Review Committee (04-08) shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings
3. The request for a Parking Exception an Architectural Review Permit for an shall be built according to plans approved by the Planning Commission on September 21, 2004, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. Mechanical room must be redesigned so that it not placed in ADA loading zone.

### **Fire Department (7-8)**

7. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
8. Hardwire smoke detectors in shall be installed throughout the building.

### **Public Works Department (9-13)**

9. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
10. An encroachment permit shall be obtained through the Public works Department prior to issuance of the Building Permit.
11. Replace all broken and raised concrete in sidewalk and driveway approach as marked at time of Building Division review.
12. Permit from parks may be required for tree removal, please check with the San Bruno Parks Department.
13. No fence, retaining wall or other permanent structure may be built within two feet from the back of the sidewalk.

#### **Planning Commission (14 - 15)**

14. All rear windows are to be switched out to match new front windows,
15. All signs are to be approved at staff level.

#### **6. 1548 Jenevein Avenue**

Request for a use permit to allow construction of an addition which proposes a .60 floor area ratio (FAR), a minor modification permit to allow the continuation of a 4'4" left sideyard setback, and a parking exception to allow an expansion with a substandard two-car garage (18' x 22') , per Section 12.200.030.B.2 & 12.120.010.B of the San Bruno Zoning Ordinance. – **UP-04-40, MM-04-08; PE-04-06**

Associate Planner Aknin entered staff report. Staff recommends that the Planning Commission approve Use Permit 04-40, Minor Modification Permit 04-08, Parking Exception 04-06 based on Findings of Fact (1-6) and Conditions of Approval (1-13).

#### **Public Hearing Opened**

Designer and owner were both present to answer questions. Commissioner Chase asked for the front elevation. Owner stated that this was because the front of the house will not be modified at all. The roof on new addition will be added to match existing roof. The paint will be done to also match existing structure. Owner has read the conditions of approval, and agrees with all of them.

#### **Public Hearing Closed**

**Motion Chase /Second Johnson** approves Use Permit 04-40, Minor Modification Permit 04-08, Parking Exception 04-06 based on Findings of Fact (1-6) and Conditions of Approval (1-14).

VOTE:	6-0-0
AYES:	6
NOES:	0
ABSTAIN:	0

**(Chair Petersen advised of 10-day appeal period.)**

#### **FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times (, Saturday, September 11, 2004, and notices were mailed to property owners within 300 feet of the project site on September 10, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence.
9. The strict application of the provisions of this chapter (12.200) would cause particular difficulty or undue hardship in connection with the use and enjoyment of said property;
10. That the establishment, maintenance and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this chapter as are reasonably possible.

#### **Community Development (1-7)**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-40, Minor Modification Permit 04-08, Parking Exception 04-06 shall not be valid for any purpose. Use Permit 04-40, Minor Modification Permit 04-08, Parking Exception 04-06 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings
3. The request for a Use Permit, Minor Modification Permit, Parking Exception for an addition to an existing dwelling shall be built according to plans approved by the



Planning Commission on September 21, 2004, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.

4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

#### **Fire Department (8-9)**

8. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
9. Hardwire smoke detectors in shall be installed in the addition area.

#### **Public Works Department (10-14)**

10. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
11. An encroachment permit shall be obtained through the Public works Department prior to issuance of the Building Permit.
12. No fence, retaining wall, or other permanent structure shall be placed within 2' from the back of the sidewalk.
13. Install a sanitary sewer lateral clean out per City standards.
14. City approved backflow required for domestic fire line. Include calculations showing existing or new meter size will be sufficient for required flows. Show location of backflow units on plans.

#### **7. 2581 Eucalyptus Way**

Request for a Use Permit for an eight (8) resident senior care facility in a single-family residential zone; per Sections 12.84.200 and 12.96.060.C.6 of the San Bruno Zoning Ordinance - Ruby O'Brien (owner/applicant).

Associate Planner Aknin entered staff report. Staff recommends that the Planning Commission approve Use Permit 04-41 based on Findings of Fact (1-8) and Conditions of Approval (1-10).

Ruby O'Brien, owner of property, was present to answer any questions. She is requesting to increase capacity from 6 to 8. Commissioner Marshall asked when they opened at this new location. She replied that they opened on 7/1/04.

#### Public Hearing Opened

Neighbor, Mr. Lupkey, from 2550 Fleetwood Drive was present to express his concerns about (principal), and asked what has happened once the trust was developed when they moved in based on the fact that only 6 residents were going to be there, and now they are proposing 8 so soon after. He is also concerned with parking issues in this area, how many bathrooms there would be in this residence. He didn't feel that the 2 proposed bathrooms would be enough for the 8 beds that are being proposed. He also is concerned with the exits that are provided, and if they were enough. Neighbor at 2560 Fleetwood Drive brought in a photo album to show the retaining wall that was put up inappropriately. He claims that there are loud noises all day long, and bright lights. He moved here to live in a residential neighborhood, and feels that this is turning into a commercial type neighborhood. Neighbor, lives directly across the street, moved there 30 years ago was present to express his concerns. He also is concerned with this neighborhood changing from residential to a commercial neighborhood. Commissioner Chase had looked through the photo album, and feels that the pictures reflect an extremely well kept property. Commissioner Johnson also stated that she went out to the site, and feels that this is a very well kept property. Commissioner Marshall asked why this facility came in asking for 6 beds, and now 3 months later upgrading it to 8. He suggested keeping it open for 6 for 6 months, and if they prove to be good neighbors, then discuss expanding it to 8 at that time.

#### Public Hearing Closed

Commissioner Johnson asked Ms. O'Brien how she felt about keeping open for 6 months with the license for 6, and then at that time ask for the approval for 8. Ms. O'Brien stated that she has been in business since 1989, and has never had a problem with parking. She has 4 facilities on Oakmont Drive, and there are 6 others on that drive. Parking is never an issue; unfortunately elderly people do not often receive visitors. If this were denied at 6 right now, it would definitely be a hardship on the business. With the costs of building, construction, operation etc, she needs to operate at an 8-bed capacity. Commissioner Chase asked if they always intended to have an 8-bed facility. The architect replied that during the design process, it started out as a 6-bed facility. But once the numbers were run, they came to the conclusion that ultimately they would need 8 beds. She got the license for the 6 beds, so she could start operation, because the 2 extra beds license takes a long time. This should not make a big difference from 6 beds to 8 beds in the community, and she has a very good reputation in the community with these facilities. Commissioner Chase asked the City Attorney if originally the applicant came forward applying for an 8 bed facility, she would have gone through the planning commission process, but it is not required for a 6 bed facility. City Attorney replied that was correct.

**Motion Chase /Second Johnson** approve Use Permit 04-41 based on Findings of Fact (1-8) and Conditions of Approval (1-10 (add #11 to have this application be brought back to the Planning Commission for review in 6 months regarding neighbors concerns, lights, noise, use of the garage as a parking facility)

VOTE:	5-1-0
AYES:	5
NOES:	1
ABSTAIN:	0

**(Chair Petersen advised of 10-day appeal period.)**

**FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, September 11, 2003, and notices were mailed to property owners within 300 feet of the project site on September 10, 2003.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed care expansion is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property.
6. An eight-person care facility will not have a negative impact on the surrounding residential uses.
7. The care facility is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence.

**CONDITIONS FOR APPROVAL**

**Community Development Conditions**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-41 shall not be valid for any purpose. Use Permit 04-41 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
3. The applicant shall meet all requirements set forth by the San Bruno Fire Department.
4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
5. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit, or used as a senior care facility room.

6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
7. All employees of the facility must park onsite and first utilize the garage as the primary parking area. The garage cannot be used for miscellaneous storage, and must be used for motor vehicles.
8. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
9. A copy of the senior care license from state Department of Community Care Licensing shall be submitted to the Community Development.
10. This use permit allows the senior care facility at 2581 Eucalyptus Way to care for up to eight (8) residents. If the applicant would like to expand the facility an amendment to this use permit is required.
11. This application be brought back to the Planning Commission for review in 6 months regarding neighbors concerns, lights, noise, use of the garage as a parking facility

#### **8. 130 Parkview Drive**

Request for a use permit to allow construction of an addition, which proposes a .52 lot coverage per section 12.200.030.B.3 of the San Bruno Zoning Ordinance. – Rich Baltzer  
(Owner/Applicant)

Chair Petersen recused himself from this application because he lives within 300 feet of this project. Associate Planner Aknin entered staff report. Application continued to October 2004 Planning Commission meeting.

Public Hearing Opened

Public Hearing Closed

**Motion to continue to October 2004 Planning Commission meeting. Approved by voice vote.**

VOTE:	6-0-0
AYES:	6
NOES:	0
ABSTAIN:	0

#### **9. 410 Chestnut Avenue**

Request for a use permit to allow construction of a new home which would exceed the .55 FAR guideline, and a minor modification permit to allow a 3' sideyard setback, per Section 12.200.030.B.2 & 12.120.040 of the San Bruno Zoning Ordinance. – George Dayeh (Owner), David Dalo (Owner)

Associate Planner Aknin entered staff report. Staff recommends that the Planning Commission approve Use Permit 04-43 and Minor Modification Permit 04-10 based on Findings of Fact (1-8) and Conditions of Approval (1-23).

Designer and Owner were both present to answer questions. They provided a color palate for the proposed project.

Public Hearing Opened

N/A

Public Hearing Closed

**Motion Sammut /Second Chace** approve Use Permit 04-43 and Minor Modification Permit 04-10 based on Findings of Fact (1-8) and Conditions of Approval (1-23).

VOTE:	6-0-0
AYES:	6
NOES:	0
ABSTAIN:	0

**FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, September 11, 2004, and notices were mailed to property owners within 300 feet of the project site on September 10, 2004.
2. Notice of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15332: Infill Development.
5. The general appearance of the new home is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the proportions of the house are similar to other houses in the neighborhood.
6. The proposed new home will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the new home is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence. This is achieved through a two car and large driveway area with two curb cuts. Multiple curbs cuts will not affect the amount of street parking as parking is prohibited on the south side of Crystal Springs Road.

9. 4" drain line is required after the fourth toilet.
10. Minimum 30" clearance between columns on front porch.

### **CONDITIONS FOR APPROVAL**

#### **COMMUNITY DEVELOPMENT CONDITIONS (1-8):**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Community Development within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-34 and Minor Modification Permit 04-10 shall not be valid for any purpose. Use Permit 04-43 and Minor Modification Permit 04-10 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for a new home shall be built according to plans approved by the Planning Commission on September 21, 2004, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of two (2) motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. A landscape and irrigation plan shall be submitted with the building division set of drawings. This landscape plan shall be approved by the Planning Division prior to issuance of a building permit. All landscaping shall be installed prior to final approval of the home.

#### **FIRE DEPARTMENT CONDITIONS (9-11)**

9. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
10. Smoke alarms shall be hardwired and interconnected.

11. NFPA 13D fire sprinkler system throughout the entire residence to the satisfaction of the Fire Chief.

**PUBLIC WORKS CONDITIONS (12-21)**

12. No fence, retaining wall, or other permanent structure shall be placed within 2' from the back of the sidewalk.
13. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
14. Install a sanitary sewer lateral clean out per City standards.
15. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
16. Paint house address number on the face of the curb near the driveway approach. It must be black lettering with a white background.
17. Replace all broken or raised concrete in sidewalk or driveway approach as marked (will be marked at time of building review).
18. Permit from Parks required for tree planting. Plan one – 36" box size tree or payment of equal value to tree fund for tree(s) and installation.
19. Applicant shall pay water and sewer capacity charges based on the size of the water meter installed along with materials and installation of water meter.
20. Applicant shall pay San Bruno Water Division for material and installation of required backflow for fire line. Include calculations showing existing meter size will be sufficient for fire flow. Show location of dedicated fire line from water meter on plans.
21. Applicant must remove weeds and grass from sidewalk, curb and gutter and prune other plantings in right-of-way.
22. Remove old driveway and replace with curb, gutter and sidewalk per city standards. New driveway installed per city standards.
23. Erosion control plan and storm water prevention pollution plan required. Must show existing storm drain inlets and other water collection locations protect by silt screens or silt fence. Work shall conform with current NPDES requirements.

**10. 250 Amador Drive**

Request for a Use Permit to allow a large family day care operation in a single-family residential zone; per Sections 12.84.200 and 12.96.060.C.6 of the San Bruno Zoning Ordinance.  
Stephanie Noriega (owner/applicant).

Associate Planner Aknin entered staff report. Staff recommends that the Planning Commission approve Use Permit 04-45 based on Findings of Fact (1-8) and Conditions of Approval (1-17).

Ms. Noriega was present to answer any questions. Chair Petersen asked if she agreed with the conditions of approval. She replied that she did. Commissioner Johnson suggested to reduce

noise a bit to put down Astroturf or another floor covering type to allow children sit down and play outside, which will reduce noise. She also suggested that she implement rotating schedules for the children to go outside.

#### Public Hearing Opened

Sally from child coordinating council in San Mateo was present to reinforce that this is big need in the community. She also stated that this family would receive a grant for \$4,000 if the Planning Commission approves this.

Neighbor, Mr. Chu, at 260 Amador read letter from neighbor at 270 Amador expressing his concerns regarding traffic, parking, increased noise, and value of homes. Mr. Chu also expressed his own concerns regarding noise levels, parking and traffic. Mr. Johnson at 241 Amador also concerned with traffic problems. Mr. Garcia at 240 Amador also concerned with parking issues. He suggested possibly staggering when parents can drop off their children.

#### Public Hearing Closed

Commissioner Chase asked Ms. Noriega she could reiterate to the parents about parking, honking, being courteous to the neighbors. Commissioner Johnson asked if there are any children there that belong to them. Ms. Noriega stated that they did not. She also stated that she would create a letter that will go out to all the parents with the neighbor's concerns. CDD Williams suggested that the commission consider adding a condition that states in a contract agreement or brochure that communicates the concerns of the neighbors (parking, honking courteous to neighbors).

**Motion Johnson/Second Schindler** approve Use Permit 04-45 based on Findings of Fact (1-8) and Conditions of Approval (1-19). #18 add to policy manuals families are to use driveway and not honk, #19 submit to Planning Department a copy of their daily schedule to give out to the neighbors if necessary.

VOTE:	6-0-0
AYES:	6
NOES:	0
ABSTAIN:	0

**(Chair Petersen advised of 10-day appeal period.)**

#### **FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, September 11, 2004, and notices were mailed to property owners within 300 feet of the project site on September 10, 2002.
2. Notice of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor Expansion to Existing Facilities.



5. The use permit to operate a large family day care home at the house at 250 Amador Avenue will not be injurious or detrimental to the property and improvement in the neighborhood or to the general welfare of the City because the use is compatible with existing residential uses in the neighborhood and complies with the requirements of the San Bruno Zoning Ordinance.
6. The general appearance of the dwelling is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because no alterations are proposed for the house as a part of this specific application.
7. The proposed use of the property will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
8. The proposed use of the property is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.

## **CONDITIONS FOR APPROVAL**

### **Community Development Conditions**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-45 shall not be valid for any purpose.
2. The request for a use permit for a large family day care home at 250 Amador Drive shall operate according to plans approved by the Planning Commission on September 21, 2004, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
3. Parents and guardians dropping off and picking up children from the home shall be directed to not honk their car horn. Neighborhood noise complaints could result in this application being called back up to the Planning Commission for revocation.
4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
5. Children shall be supervised when outdoors to control noise levels.
6. The applicant shall obtain a license from the State of California to operate a large home family day care center.
7. The parents/guardians must park in driveway when picking up and dropping off their children.
8. The number of children shall be limited to a maximum of fourteen (14) at any one time, including any of the applicant's own children.
9. Children outdoors shall be supervised at all times.

**Fire Division (10-17)**

10. The applicant shall have the home inspected by the Fire Department and Building Department for compliance with all applicable requirements of the California Health and Safety Code.
11. The back yard fence shall be repaired so to create a barrier between the backyard and the hill to the rear of the yard. This shall be done to the satisfaction of the Fire Division.
12. Smoke alarms shall be installed in every room where daycare is provided.
13. All trash cans must be removed from the rear yard or placed in an enclosed area.
14. A horn strobe shall be placed in the main daycare area adjacent to the rear door.
15. The garage shall not be used for miscellaneous storage and shall be used the storage of motor vehicles. Residents of the home shall use the garage for parking so parents may use the driveway for pick up and drop off of children.
16. Security lattice shall be installed below the railing of the staircase in order to secure the area, according to building requirements.
17. There shall be a direct 3' pathway from the sidewalk to the rear of the home. This pathway shall be free of all tripping hazards.
18. Add to policy manuals families are to use driveway and not honk,
19. Submit to Planning Department a copy of their daily schedule to give out to the neighbors if necessary.

**11. Staff Discussion**

CDD Williams asked for Arch Review volunteers (10/14): Petersen, Marshall, Chase  
Commissioners had a "resolution" that was read in honor of Commissioner Schindler for appreciation of his 18 years of service as a Planning Commissioner.

**12. Planning Commission Discussion**

Chair Petersen announced the departure of Associate Planner Aaron Aknin and Department Secretary Tanya Benedik.

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**Tom Williams,**  
Secretary to the Planning Commission  
City of San Bruno

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**Perry Petersen, Chair**  
Planning Commission  
City of San Bruno

NEXT MEETING: , 2004

TCW/tb

Adjourned at: 10:00 p.m.